

IN RE: PETITION FOR ZONING VARIANCE  
N/S Chesapeake Road, 200' W of  
Greenbank Road  
(7414 Chesapeake Road)  
15th Election District  
1st Councilmanic District  
Gertrude Wolfe  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-229-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a lot width of 50 feet in lieu of the required 55 feet in accordance with Petitioner's Exhibit 1.

The Petitioner, by Keith Randlett and Anthony J. Mierzwicki for the Emerald Development Corporation, Contract Purchaser, appeared, testified and was represented by Michael E. Marino, Esquire. Also appearing on behalf of the Petition was Leonard T. Bohager with McKee & Associates, and Anthony J. Mierzwicki. There were no Protestants.

Testimony indicated that the subject property, zoned D.R. 5.5, is known as 7414 Chesapeake Road and is currently unimproved. The contract purchaser proposes constructing a single family dwelling which will meet the side yard setback requirements of the zoning regulations; however, testimony indicated that the subject property is located in Oliver Beach, a subdivision consisting of mostly 50-foot wide lots. Mr. Bohager testified as to the requirements of Sections 307.1, 307.2 and 500.14 and submitted Petitioner's Exhibit 1 with an attachment which clearly indicates compliance with the zoning regulations and the Department of Environmental Protection and Resource Management requirements. In further support of his testimony and the proposed project, Mr. Bohager submitted Petitioner's

Exhibit 3, a signed Petition which indicates support of the requested variance by nearby residents of the subject property.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficient-ly complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of

the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of January, 1989, that the Petition for Zoning Variance to permit a lot width of 50 feet in lieu of the required 55 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, sub-

ject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated October 25, 1988, attached hereto and made a part hereof.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner for  
Baltimore County

JRH:bjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
887-3353

J. Robert Haines  
Zoning Commissioner

January 4, 1989

Michael E. Marino, Esquire  
10 E. Baltimore Street, Suite 1212  
Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE  
N/S Chesapeake Road, 200' W of Greenbank Road  
(7414 Chesapeake Road)  
15th Election District - 1st Councilmanic District  
Gertrude Wolfe - Petitioner  
Case No. 89-229-A

Dear Mr. Marino:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel

File

#### BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines  
Zoning Commissioner

DATE: October 25, 1988

FROM: Mr. Robert W. Sheesley

SUBJECT: Wolfe Property - Item #100  
Petition for Zoning Variance

RECEIVED  
OCT 27 1988

ZONING OFFICE

Subject property is located at 7414 Chesapeake Road, Lot 127, Oliver Beach. The site is within the Chesapeake Bay Critical Area and is classified as Limited Development Area.

The applicant has filed a Petition for a Zoning Variance to permit the development of a 28' x 44' single family dwelling.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01 >

The proposed development will comply with Critical Area law provided that the zoning petition is conditioned with the following requirements:

1. One major deciduous tree or two conifer trees shall be planted and maintained on the lot. A combination of these two tree types is acceptable provided that 1,000 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.

Memo to Mr. J. Robert Haines  
October 25, 1988  
Page 2

2. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
3. Rooftop runoff shall be directed through down-spouts and into a dry well of approved design to encourage maximum infiltration (see attached dry well design).

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 494-3989 if you require additional information.

Robert W. Sheesley  
Robert W. Sheesley, Director  
Department of Environmental Protection  
and Resource Management

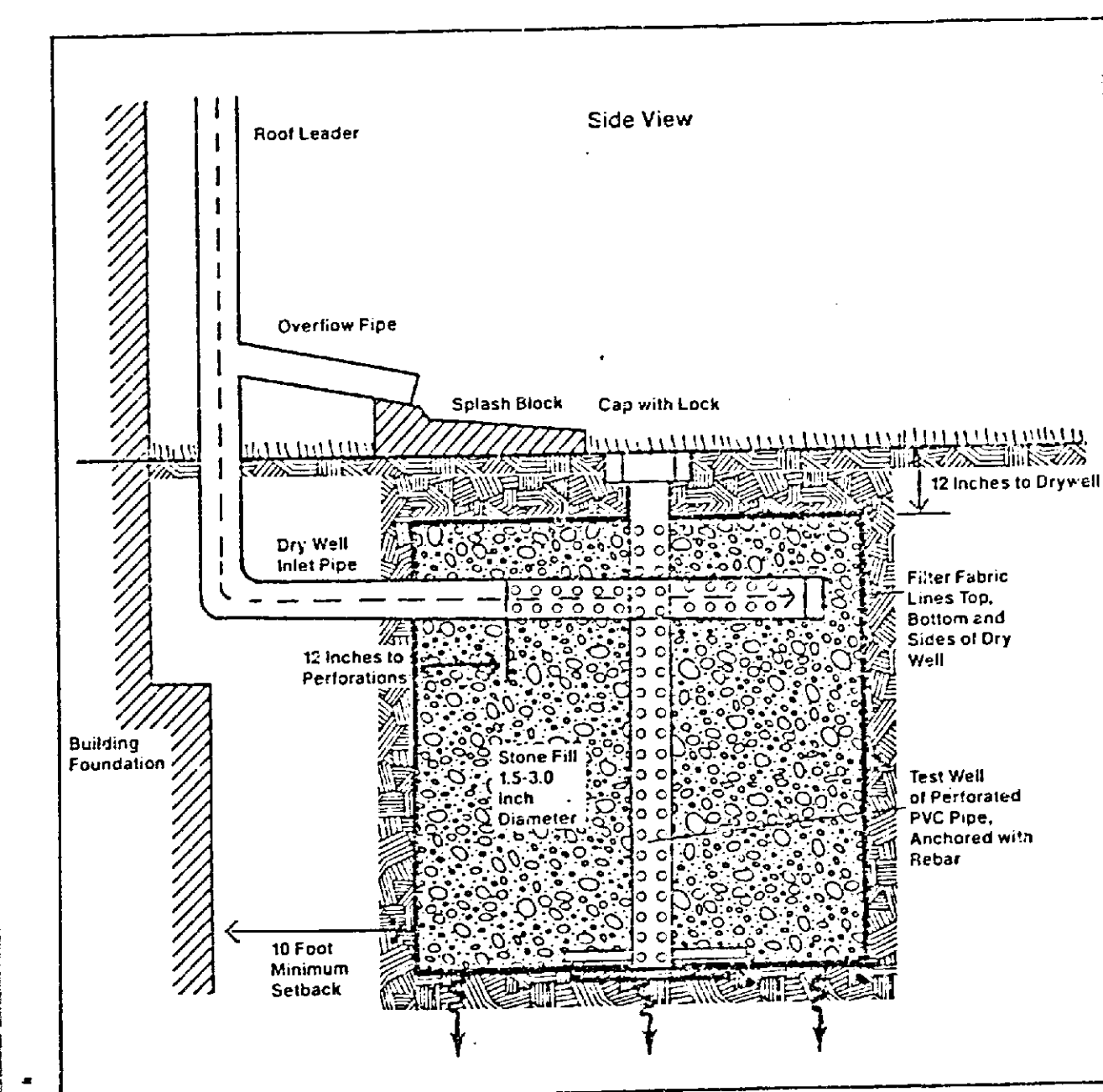
RWS:DCF:tjg

Attachment

cc: The Honorable Ronald B. Hickernell

DESIGN 4:  
Dry Well Designs. (Figure 5.8). Dry wells are a basic trench variation which are designed exclusively to accept rooftop runoff from residential or commercial buildings (Figure 5.8). Additional guidance on dry well design is available from Md YRA (1984). Basically, the leader from the roof is extended into an underground trench, which is situated a minimum of ten feet away from the building foundation. Rooftop gutter screens are needed to trap any particles, leaves and other debris, and must be regularly cleared.

Figure 5.8: Dry Well Design (adapted from Md YRA, 1984)









RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
N/S Chesapeake Rd., 200' W. : OF BALTIMORE COUNTY  
Greenbank Rd. (7414 Chesapeake :  
Pd., Lot #127)  
15th Election District :  
5th Councilmanic District :  
GERTRUDE WOLFE, Petitioner : Case No. 89-229-A

# ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 304, County Office Building  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 28th day of November, 1988, a copy of the foregoing Entry of Appearance was mailed to Mrs. Gertrude Wolfe, 7412 Chesapeake Rd., Baltimore, MD 21220, Petitioner; and Mr. Keith Andrew Randlett, Emerald Development Corporation, 16 Oakridge Ct., Baltimore, MD 21093, Contract Purchaser.

*Peter Max Zimmerman*  
Peter Max Zimmerman

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 12/1/88  
Posted for: Torrence  
Petitioner: Gertrude Wolfe - Emerald Development Corp.  
Location of property: N/S Chesapeake Rd., 200' W. Greenbank Rd.  
7414 Chesapeake Rd., Lot #127  
Location of Sign: Facing Chesapeake Rd. across 15' E. W. road way  
Rt. 100 Property of Baltimore  
Remarks: \_\_\_\_\_  
Signed by: [Signature] Date of return: \_\_\_\_\_  
Number of Signs: 1

89-229-A

## BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 28th day of October, 1988.

Petitioner: Gertrude Wolfe  
Petitioner's Attorney: \_\_\_\_\_

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER  
Received by: James E. Dyer  
Chairman, Zoning Plans Advisory Committee

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

J. Robert Haines:  
TO: Zoning Commissioner Date: December 6, 1988  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Emerald Development Corp.  
Zoning Petition No. 89-229-A

In order to avoid any future variances for the development of this site due to unsuitable building styles being constructed on the lot. The applicant should place all building restriction lines (front 40', rear, and side yards 10') on the site plan and clearly state on the plan that all structures must stay within the setbacks as shown in order to avoid future variances.

PK/sf

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
494-3354

October 11, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

RECEIVED ZONING OFFICE  
DATE: 10/14/88

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 55, 93, 94, 95, 96, 98, 99, (100) & 101.

Very truly yours,

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineer Associate II

MSF:lab

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 6, 1988

Emerald Development Corporation  
16 Oakridge Court  
Baltimore, MD 21093

RE: Item No. 100 Case No. 89-229-A  
Petitioner: Gertrude Wolfe  
Petition for Zoning Variance

Dear Sirs:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:scj

Enclosures

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

September 28, 1988

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204



Re: Property Owner: Legal Owner - Gertrude Wolfe (critical)  
Contract purchaser - Emerald Development Corp.  
Location: N/S Chesapeake Rd., 200' W. of Greenbank  
7414 Chesapeake Road, lot 127  
Item No.: 100

Zoning Agenda: Meeting of 9/20/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: John F. O'Neill Noted and Approved: John F. O'Neill  
Special Inspection Division Fire Prevention Bureau

/s/

